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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,324	12/15/2003	Rick A. Lawson	068341.0109	3731

31625 7590 07/25/2006

BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039

EXAMINER	
LIEU, JULIE BICHNGOC	
ART UNIT	**PAPER NUMBER**
2612	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/736,324	LAWSON ET AL.	
	Examiner	Art Unit	
	Julie Lieu	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 May 2006*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,19-21,23-35 and 38-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,19-21,23-35 and 38-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to Applicant's amendment filed May 09, 2006. Claims 1-2, 4-10, 19-21, 23-35, 38, and 42 have been amended. Claims 11-18, 22, 36, and 37 have been canceled.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1-10, 19-21, 23, 25-35, and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rein et al (US Patent No. 5,385,297) in view of Benda (US Patent No. 5,798,945).

Claims 1 and 26:

Rein et al. (hereinafter as Rein) discloses a system for acquiring and transmitting data between two or more positions or locations relative to a detected condition, the system comprising:

a. at least one detector 58 (that is, zone sensor 58 including temperature sensor 64; (third detector) to detect a condition (temperature) mounted at a first location, the condition or event

b. a battery powered RF transmitter 65 mounted at the first location in electrical communication with the detector 58, the transmitter having transmittable ID code and wirelessly transmitting signals relative to the ID code, the detector, and the battery to a location remote form the first location (see col. 9, 2nd paragraph and last paragraph);

c. a central processing 66 location remote from the first location for receiving and processing signals from the transmitter;

Rein fails to disclose at least two detectors, two transmitters, a second battery, and a third transmitter. However, it would have been obvious to one skilled in the art to add more detectors in the system of Rein to detect more conditions in air as those taught in Benda such as humidity or CO_2, etc... because they would be accounted for the environment of the building and could greatly affect a person's comfort and health, and as a consequence, the use of several transmitter and battery for these transmitters would be obvious.

The locations disclosed in Rein are within a building and it is not clear whether is a plant. However, it would have been obvious to one skilled to use the system disclosed in Rein in a plant as desired because it would be desirable to control the temperature in a plant to provide comfort and warrant the health safety to workers as it is in a building.

Claim 2:

Though not discussed in Rein, it would have been obvious to one skilled in the art to add more detectors, such as a fourth, fifth, sixth....or as many as desired in the combined system of Rein and Benda to detect more conditions. This is only a matter of choice in design and it is only up to the system implementer's discretion as to what conditions to be detected.

Claim 3:

The system in Rein further comprises at least one transmitter in communication with the at least one more detector and/or sensor.

Claim 4:

The battery-powered transmitter in Rein is a spread spectrum transmitter. Col. 9, 2nd paragraph.

Claims 5 and 6:

Rein fails to specify that the one battery-powered radio frequency transmitter is a 900 megahertz spread spectrum transmitter. Nevertheless, the use of 900 MHz transmitter is conventional the art. Thus, it would have been obvious to one skilled in the art by the time the invention was made to have readily recognized using spread spectrum transmitters in the system Rein because it would minimize interference and increase reception quality.

The transmitter in Rein transmits on a predetermined time intervals. Col. 8, last paragraph.

Claims 7 and 8:

At least the one other transmitter in Rein comprises a spread spectrum RF transmitter.

Claims 9 and 10:

Rein fails to specify that the one battery-powered radio frequency transmitter is a 900 megahertz spread spectrum transmitter. Nevertheless, the use of 900 MHz transmitter is conventional the art. Thus, it would have been obvious to one skilled in the art by the time the invention was made to have readily recognized using spread spectrum transmitters in the system Rein because it would minimize interference and increase reception quality.

Claims 25, 27, and 29:

A detector in the combined system of Rein and Benda detects fugitive emission (CO_2).

Claim 32:

The at least one detector 58 in Rein is operable when a voltage from the battery is applied thereto, and the at least one battery powered radio frequency transmitter is a RF transmitter, the transmitter transmits signal on a predetermined time intervals, and transmits, when appropriate a low battery transmission signal. Rein fails to specify that the one battery-powered radio frequency transmitter is a 900 megahertz spread spectrum transmitter. Nevertheless, the use of 900 MHz transmitter is conventional the art. Thus, it would have been obvious to one skilled in the art by the time the invention was made to have readily recognized using spread spectrum transmitters in the system Rein because it would minimize interference and increase reception quality.

Claims 33 and 43:

Rein discloses battery powered system for monitoring and/or detecting events and/or conditions in a building, the system comprising:

a. an exhaustible power source comprising a battery 59, the battery supplying a voltage;

b. a detector 58 (temperature detector) mounted at a first location in the building, detector 58 operable when voltage from the battery is applied thereto and monitoring and/or detecting an event and/or a condition in the plant relating to an enclosure and/or an enclosed material in the building;

c. a first transmitter 65 mounted at the first location, the transmitter operable when voltage from the battery is applied thereto, the transmitter in electrical communication

with the detector, the transmitter wirelessly transmitting signals relating to an event and/or condition monitored and/or detected by the detector from the first location in the building, and the transmitter wirelessly transmitting, when appropriate, a low battery signal;

d. a second exhaustible power source comprising a battery, the battery supplying a voltage;

e. a second transmitter mounted at a second location in the building remote from the first location, said transmitter operable when a voltage is applied thereto by the second battery, the transmitter wirelessly transmitting signals relating to a monitored and/or detected event and/or condition in the building, and said transmitter wirelessly transmitting, when appropriate, a low battery signal; and

f. a central processing location 66 remote from the first and second plant locations for receiving the signals from said first and second transmitters.

The locations disclosed in Rein are within a building. However, it would have been obvious to one skilled to use the system disclosed in Rein in a plant as desired because it would be desirable to control the temperature in a plant to provide comfort to workers as it is in a building and/or to protect plant structure from being damage due to undesirable temperature.

Claim 36:

The monitored and/or detected event and/or condition disclosed in Rein relates to an enclosure, which is the building and/or room.

Claim 37:

The monitored and/or detected event and/or condition disclosed in Rein relates to an enclosed material which is the building and/or room.

Claim 41:

The detectors in the combined system of Rein and Benda monitor and/or detect more than one event and/or condition.

Claims 19-23, 28, 30-31, 34, 35, and 38-41:

Rein fails to disclose detecting different conditions related to pressure, a valve, liquid levels, or a pipe. Nonetheless, a skilled artisan would have readily recognized modifying the system to use it in a building or plant to monitor different building/plant conditions and events at different locations to insure safety of the building's occupants such as that taught in Benda as discussed above.

Claim 42:

The detectors in the combined system of Rein and Benda monitors and/or detects emissions.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rein et al (US Patent No. 5,385,297) in view of Benda (US Patent No. 5,798,945) and further in view of Hamm et al. (US Patent No. 5,774,052).

Claim 24:

Neither Rein nor Benda discloses detecting a level. However, Hamm et al. teaches detecting a light level in a building to ensure the comfort of a person within the building. In light

of this teaching, one skilled in the art would have readily recognized using a light level sensor in the system of Rein for the same purpose that it is used in Hamm et al..

Conclusion

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Julie Lieu
Primary Examiner
Art Unit 2612

Jul 23, 06